

REMARKS

Summary of the Office Action and the Board of Patent Appeals and Interferences

Decision

In the Non-final Office Action of July 3, 2006, claims 1-43 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 6,079,566 to Eleftheriadis et al. (“Eleftheriadis”). The Board of Patent Appeals and Interferences affirmed the Examiner’s rejection on May 20, 2008. Claims 1-43 are currently pending.

Summary of the Applicants’ Response

In this response, Applicants address the Examiner’s rejections and the decision issued by the Board of Patent Appeals and Interferences. Applicants have amended claims 1, 3, 5-7, 10, 12, 13-15, 17, 19, 21, 22, 23, 26, 28, 29-31, and 33 to clarify the claimed subject matter. Support for these amendments can be found throughout the Specification. As such, no new matter has been added.

As noted by the Board of Patent Appeals and Interferences in its May 20, 2008 decision, Eleftheriadis describes the use of extraction processing to *reproduce* or *propagate* multimedia descriptions. (See Board Decision, page 5). The Board further noted that the term “generate” as featured in the originally filed claims did not read only on *creating* multimedia descriptions, but also on *reproducing* or *propagating* already-created descriptions as described in Eleftheriadis. *Id.* Though Applicants respectfully disagree with the Board’s decision regarding the originally filed claims, Applicants note that in affirming the Examiner’s prior rejection, the Board does distinguish between the creation of data and the reproduction and propagation of data described in Eleftheriadis.

Accordingly, as noted above, Applicants have amended claims 1, 3, 5-7, 10, 12, 13-15, 17,
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19, 21, 22, 23, 26, 28, 29-31, and 33 to more accurately reflect the claimed subject matter and to more clearly distinguish between the presently claimed subject matter and the prior art.

Applicants respectfully submit that the prior art cited by the Examiner does not anticipate or render obvious pending claims 1-43 as amended. Applicants respectfully traverse the prior art and request reconsideration and withdrawal of the rejection based on the claim amendments and following remarks. Claims 1-43 are pending.

Rejections under 35 U.S.C. § 102(b) in view of Eleftheriadis

Claims 1-43 were rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Eleftheriadis.

In order to show that claims 1-43 are anticipated, the Examiner must show that “each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP § 2131; *Verdegall Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987).

Applicants respectfully submit that Eleftheriadis does not show “each and every element” of the claims.

Independent claims 1, 17, and 33

Independent claim 1 is directed to a system for creating a description record from multimedia information. Among other things, the system of claim 1 comprises a computer processor that processes said multimedia information by performing object extraction processing *to create multimedia object descriptions* from said multimedia information, and processing *said created multimedia object descriptions* by object hierarchy processing to

create multimedia object hierarchy descriptions indicative of an organization of said object descriptions wherein at least one description record including said multimedia object descriptions and said multimedia object hierarchy descriptions is *created* for content embedded within said multimedia information. Independent claims 17 and 33 recite similar features.

In contrast, Eleftheriadis is directed to a system and method for processing object-based audiovisual information which is capable of flexibly encoding, storing and accessing a variety of data objects. (*See* Eleftheriadis, Abstract). The “Background of the Invention” portion of Eleftheriadis describes the challenges in multimedia coding and storage for graphics, and, in particular, for streaming video. (*See* Eleftheriadis, col. 1, lines 17-59). Eleftheriadis addresses those challenges with a system and method as described below:

The invention overcoming these and other problems in the art relates to a system, method, and associated medium for processing object-based audiovisual information which encodes, stores and retrieves not just overall frames, but individual segments containing AV objects which are then assembled into a scene according to embedded file information. The invention consequently provides very efficient streaming of and random access to component AV objects for even complex scenes. (Eleftheriadis, col. 1, line 62 – col. 2, line 3).

Accordingly, Eleftheriadis addresses different issues (i.e., encoding/unencoding and playback of multimedia information (such as streaming video)) than the claimed subject matter herein.

In the Office Action of July 3, 2006, the Examiner asserted that Eleftheriadis

discloses all elements of independent claims 1, 17, and 33. (*See* Office Action, pp. 2-3). In particular, the Examiner alleged that col. 7, lines 35-40 of Eleftheriadis discloses the featured object extraction (Office Action, p. 4). The entirety of the citation, however, provides:

In the diagram of FIG. 4, CPU 380 accesses storage device 280 (such as a hard drive) to cause a read operation to be performed on an MPEG-4 file at module 290, and a next segment header is read at module 300. The read operation module 290 accesses an object table 370 for translation purposes, and communicates extracted audiovisual data to MPEG-4 player 360, which may comprise a video buffer, screen, audio channels and related output devices. ID check module 330 checks for an ID in the segment header, transmitting the ID to the Get Object ID module 320, or if not present moving back to next segment module 300. After MPEG-4 player 360 has finished presenting the current audiovisual data, it transmits a request through request module 340 for the next AL PDU (ID), or may request a random AL PDU (ID) through module 350, which in turn communicates that information to the ID check module 310. (Eleftheriadis, col. 7, lines 34-50).

This portion of Eleftheriadis is directed to a procedure for reading/playing back MPEG-4 encoded video from a storage device, and is unrelated to the feature of “performing object extraction processing to create multimedia object descriptions” as recited in amended claims 1 and 17 or “one or more multimedia object descriptions, created by performing object extraction” as recited in amended claim 33. Again, this distinction would be readily apparent to one of ordinary skill in the art, and in the decision issued May 20, 2008, the Board of Patent Appeals acknowledges that reading data is not the same as creation of data as featured in amended claim 1.

For at least this reason, Applicants respectfully submit that Eleftheriadis fails to

disclose or suggest all elements of amended, independent claims 1, 17, 33 and their corresponding dependent claims. Eleftheriadis therefore cannot properly anticipate the claimed subject matter of claims 1-43 for at least these reasons. Applicants respectfully submit that this alone is sufficient basis to withdraw all rejections of record.

Further, claims 1 and 17 also recite “processing said created multimedia object descriptions by object hierarchy processing to create multimedia object descriptions, indicative of an organization of said object descriptions, wherein at least one description record including said multimedia object descriptions and said multimedia object hierarchy descriptions is created for content embedded within said multimedia information...” and claim 33 recites similar features.

As discussed above, because Eleftheriadis fails to disclose or suggest *creating* “multimedia object descriptions,” Eleftheriadis cannot possibly disclose or suggest “*processing* said created multimedia object descriptions”. For at least this reason, this additional feature of claims 1 and 17 is not disclosed or suggested by Eleftheriadis.

Additionally, the Examiner relies on col. 3, lines 35-40 of Eleftheriadis as allegedly disclosing “processing said generated multimedia object descriptions by object hierarchy processing to generate multimedia object hierarchy descriptions” as featured in the originally filed claims. (Office Action, p. 3, including citation to a “tree-structured approach”). The full citation provides:

In terms of the AL PDU, BIFS and related data structures under MPEG-4, that standard uses an object-based approach. Individual components of a scene are coded as independent objects (e.g. arbitrarily shaped visual objects, or separately coded sounds). The audiovisual objects are transmitted to a receiving terminal along

with scene description information, which defines how the objects should be positioned in space and time, in order to construct the scene to be presented to a user. The scene description follows a tree structured approach, similar to the Virtual Reality Modeling Language (VRML) known in the art. The encoding of such scene description information is more fully defined in Part 1 of the official ISO MPEG-4 specification (MPEG-4 Systems), known in the art. BIFS information is transmitted in its own elementary stream, with its own time and clock stamp information to ensure proper coordination of events at the receiving terminal. (Eleftheriadis, col. 3, lines 29-45).

This lone reference in Eleftheriadis to a “tree-structured approach” is unrelated to the claimed “processing said created multimedia object descriptions by object hierarchy processing to create multimedia object hierarchy descriptions.” As explained in detail in the quoted portion of Eleftheriadis above, that reference refers to methods for providing multimedia scene information using a tree-structure (for, e.g., streaming video playback/scene presentation).

In its decision, the Board alleges that Eleftheriadis discloses hierarchical multimedia object descriptions. (Board Decision, pages 6-7). Assuming, *arguendo*, that this is the case, the hierarchical objects described in Eleftheriadis are not *created* as featured in the present claims. Instead, the hierarchy described in Eleftheriadis consists of objects read in from a data file and propagated to a terminal as described in the cited portion of Eleftheriadis. (See Eleftheriadis, col. 3, lines 29-45).

Accordingly, the cited portion of Eleftheriadis bears no relation to the claimed “processing said *created* multimedia object descriptions by object hierarchy processing to *create* multimedia object hierarchy descriptions” as recited in independent claims 1 and 17.

Accordingly, because Eleftheriadis fails to disclose or suggest at least these claimed

features, Eleftheriadis fails to anticipate independent claims 1, 17 and 33. Additionally, because all dependent claims contain the foregoing limitations through dependency from the independent claims, Applicants respectfully submit that the rejections of record should be withdrawn as to all claims.

Based on the foregoing Amendment and Remarks, Applicants traverse the Examiner's rejections of claims 1-43 under 35 U.S.C. §102(b).

CONCLUSION

In view of the foregoing remarks, favorable consideration and allowance of claims 1-43 are respectfully solicited. In the event that the application is not deemed in condition for allowance, the Examiner is invited to contact the undersigned in an effort to advance the prosecution of this application.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "David Schalk", is written over a horizontal line.

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